

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Operating Engineers Local #49 Health
and Welfare Fund and Central Pension
Fund of the International Union of
Operating Engineers and Participating
Employers, et al.,

Plaintiffs,

v.

ORDER

Civil File No. 04-2800 (MJD/JGL)

Structural Specialities, Inc.,

Defendant.

Mitchel W. Converse, Jensen Bell Converse & Erickson, P.A., for and on behalf
of Plaintiffs.

Markus C. Yira, Bradford Yira, for and on behalf of Defendants.

This matter is before the Court on Plaintiffs' Affidavit of Fees and Costs [Docket No. 24], filed as directed by this Court in its Order and Memorandum dated May 31, 2005 [Docket No. 21]. Plaintiffs prevailed on summary judgment, and the Court directed Plaintiffs' to establish their interest, attorney's fees and costs by affidavit submitted to this Court for review. [Docket No. 21]. Plaintiffs assert that they have incurred the following attorneys fees and expenses:

A) Filing Fee: \$150.00

B) Service Fee: \$50.00

C) Attorneys fees:

 C Mitchell W. Converse - \$2,854.50 (17.3 hours x \$165.00/hour)

 C Shari Jacobus - \$160.00 (1 hour x \$160.00/hour)

As set forth in Plaintiffs' affidavit, their total fees and expenses are \$3,214.50. [Docket No. 24]. Defendant has filed no objection and the Court finds Plaintiffs' request for fees and expenses to be reasonable. As requested by Plaintiffs, the Court will add the total for fees and expenses to the previously established liability of Defendant in the amount of \$5,367.85 [Docket No. 21], and will direct that judgement be entered in favor of Plaintiffs in the total amount of \$8,582.35.

Accordingly, based upon the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Plaintiffs' request for fees and costs [Docket No. 24] in the amount of \$3,214.50 is **GRANTED** and is hereby added to the previously established liability of Defendant in the amount of \$5,367.85 for a total judgment in favor of Plaintiffs and against the Defendants in the amount of \$8,582.35.

2. Let judgment be entered accordingly.

Dated: October 28, 2005

s/ Michael J. Davis

Michael J. Davis
United States District Court Judge